

REMARKS

This application was filed with 19 claims. Claims 9-14 have been rejected. Claims 9 and 14 have been amended. Therefore, Claims 1-19 are pending in the Application. Reconsideration of the application based on the remaining claims as amended and arguments submitted below is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 9 and 14 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Application has amended Claim 9 to delete the relative term. Thus, the rejection of Claim 9 is moot. Regarding Claims 9 and 14, the phrase “detecting a composition including the test compound” has been amended to further clarify the content of the composition. No new matter has been added by the amendments. Accordingly, Applicant respectfully request that the rejections be reconsidered and withdrawn.

Regarding Claim 14, the Examiner argues that the claim, as written, is ambiguous because it is unclear what type of “matrix” the claim is directed to. Applicant argues that the term “matrix” does particularly point out and distinctly claim the subject matter of the invention. Within the specification on page 31, lines 22-25, Applicant provides an example which further clarifies the specific types of matrixes. Accordingly, the claim language used sets out a particular subject matter with a reasonable degree of clarity and particularity, certainly to one possessing the

ordinary level of skill in the art. M.P.E.P. §2173.02. Thus, Applicant respectfully requests that the rejection of Claim 14 be reconsidered and withdrawn.

Allowable Subject Matter

Applicant acknowledges that Claims 1-8 and 15-19 are allowable over the prior art of record.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,

A handwritten signature in cursive script, reading "Doug Schelling", is written over a horizontal line.

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on August 12, 2004

Douglas W. Schelling, Ph.D.


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